



BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chair

Donna Pawlak

Glenn Fossa

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on April 2, 2018 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6:05PM. Commissioners Pawlak and Fossa were present. FPD liaison Capt. Lemay was present. Assistant City Clerk Amanda Alford was present.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes of the previous meetings were reviewed and signed.

II. APPLICATIONS

Taxi Drivers:

Hugh Easler – City Cab

Mr. Easler was present.

Approved 3/0

Makayla R. Sands – Twin City Kab (appeal of denial)

Ms. Sands was present. She explained that due to having a new job she was unable to attend the last two meetings. She stated that she is a former Uber driver.

Approved 3/0

Commissioner Sarefield recused himself from the following two matters and left the room.

Kyle Fayan, Fitchburg State University, for Special One Day Wine and Malt beverages license for a cocktail hour prior to full sitdown dinner from 5P – 7P on April 20 and April 21, 2018 for 100 people in the street level lobby at the university.

Mr. Fayan was present. Upon questioning from the Commission, Mr. Fayan stated that he will have someone checking ID's at the door and that they will be having an opera singer as live entertainment.

Approved 2/0

Facility Management Corporation (Wallace Civic Center), 1000 John Fitch Highway, for Change of Manager to Trevor P. Josti.

Mr. Josti was present. Upon questioning from the Commission, Mr. Josti stated that he has been an ice rink manager in the past but has not managed an alcohol establishment, he has TIPS and crowd manager certification and all the concession staff are TIPS certified, there will be a part-time concessions manager whom he will be supervising.

Approved 2/0

Commissioner Sarefield returned to the room.

III. CONTINUED HEARINGS

Transfer of All Alcoholic beverages pouring license #00017-GP-0394 from Linda Meehan dba Iron Horse Lounge, 19 Airport Rd. to Jessica M Lagoy dba Mill City Pub, 19 Airport Rd.

Ms. Lagoy was present. She stated that the plan for the establishment is to bring back scenes from the old industrial age of Fitchburg, offering seasonal cocktails, light food and a relaxing atmosphere including fundraisers for local charity groups. She stated that their alcohol distributor will be Atlas and Girardi Distributors, she will work mixed hours –some openings and some closings and will share management with “Ashley” who was a manager for Iron Horse. She stated that either she or Ashley will be present at all times the establishment is open. They are having an on-site TIPS training for all employees on April 14 and are in the process of hiring staff now. Her insurance company is Choice Insurance.

The Commission reminded Ms. Lagoy that, as the manager of record and as stipulated in License Commission regulation 3.9.1, she must be on premise and working in the role of manager during peak business hours and at least 60% of the operating hours not to exceed 40 hours per week.

No one spoke in favor of or in opposition to the application.

Approved 3/0

Transfer of All Alcoholic Beverages package store license and Pledge of License #00087-PK-0394 from Maraswami Corp dba Topps Liquor, 128 Water St. to Navdurga Corporation dba Topps Liquor, 128 Water St., Tejalben Patel, Manager.

Attorney Matthew Porter and Tejalben Patel were present. Attorney Porter stated that his client has been successfully operating two other package stores for the past several years, one in Fitchburg, with no disciplinary actions and therefore has significant management experience that she will bring to this store. He noted that Attorney Kelley was present in the audience for the seller and that the action of the sale will not be used in their appeals currently before the ABCC. No one spoke in favor of or in opposition to the application. Noted by Captain Lemay and directed to Ms. Patel was a statement that she owns two package stores in the City, both of which have a large number of college students as customers. He advised Ms. Patel to be diligent in having her staff check ID's.

Approved 3/0

IV. CONTINUED MATTERS

Topps Liquor: Review of appeal of 21-day suspension filed by William A. Kelley, Jr., Esq. and vote on stay of suspension. (Continued from January 3, 2018 to March 19, 2018 at the request of Attorney Kelley. On March 19, 2018 continued to April 2, 2018)

Attorney William Kelley and Mr. Kalpesh Patel were present. Attorney Kelley noted that the ABCC appeal hearing on the 21-day license suspension is scheduled for Thursday April 5, 2018 and the ABCC appeal hearing on the denial of the annual renewal is scheduled for Thursday April 19, 2018. He noted that he has been communicating with City Solicitor Pusateri regarding the joint pre-hearing memorandum which must be filed by Wednesday. Attorney Kelley requested a further stay on the 21-day license suspension until after the appeal hearing on April 5th. He stated that the transfer of the license is moving forward and that if the ABCC overturns the decision of the Board the transfer will move forward nonetheless. He stated that he is working with Attorney Pusateri on a resolution to the 21-day suspension should it be upheld and requested Board endorsement of same.

By vote of 3/0 the Board voted to move the date of the stay of the suspension to April 19, 2018. The next regular License Commission meeting is scheduled for April 18, 2018 thereby providing the Board with an opportunity to review the matter at that time.

Beemer's Pub

1. Review of Finding of violation determined at Summons Hearing on November 1, 2018 regarding FPD report #17-41209-OF. The matter was scheduled for review on April 2, 2018 with statement that licensee shall appear and if any further violations are found to have occurred the establishment will serve a license suspension on the third Thursday of April, 2018.

Attorney Pastor and Mr. Peter Cote were present.

Continued to June 4, 2018 3/0

2. Letter from Attorney Roy W. Pastor, representing Peter Cote and Beemer's Pub and Grill enclosing a Motion to Reconsider or, in the alternative, a stay of the 1 day license suspension issued on February 5, 2018 pending appeal to the ABCC. (Continued from March 19, 2018)

Attorney Pastor stated that Mr. Cote has not been able to obtain enough information to adequately defend himself against the allegations. He stated that, on the night in question, Mr. Cote's staff asked two disruptive patrons to leave the establishment but don't know who these two were or whether they were the same two later involved in the motor vehicle crash involved in the allegations. He stated that the basis of the license suspension was that "someone said that the driver of the vehicle had just left Beemers". He stated that he called the ABCC to ask if that was sufficient evidence in their opinion and that they stated it probably is not and that they would likely overturn a Board decision made on that basis. He stated that his client needs the opportunity to investigate the allegations – he needs the name of the individual to check if they know him at the bar and to check credit card receipts.

Commissioner Pawlak stated that she understands the issue of lack of access to the police reports.

Captain Lemay stated that the FPD already have a new policy in place whereby whenever there is an incident at an establishment the next morning they contact the bar management and order them to preserve the video and all credit card/bar receipts for use in any hearing on the matter.

Attorney Pastor asked that the Board remand the decision for further hearing in June and, if granted, he will withdraw the ABCC appeal.

Decision to suspend the license for one (1) day remanded for further hearing on June 4, 2018 by vote of 3/0

The meeting adjourned at 7:12 PM

Respectfully submitted,

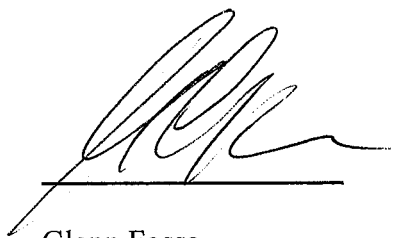


Anna M. Farrell
City Clerk

Approved:



Daniel Sarefield



Glenn Fossa



Donna Pawlak